Unofficial Copy 2003 Regular Session 3lr1863 J2

By: Chairman, Health and Government Operations Committee

Introduced and read first time: February 7, 2003 Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 Health Occupations - State Board of Physician Quality Assurance - Sunset 3 **Extension and Program Evaluation**

4 FOR the purpose of continuing the State Board of Physician Quality Assurance (the

- 5 Board) in accordance with the provisions of the Maryland Program Evaluation
- 6 Act by extending to a certain date the termination provisions relating to the
- 7 statutory and regulatory authority of the Board; requiring that an evaluation of
- 8 the Board and the statutes and regulations that relate to the Board be
- 9 performed on or before a certain date; repealing a provision requiring the Health
- Claims Arbitration Office to forward certain information to the Medical and 10
- Chirurgical Faculty of Maryland (the Faculty); adding certain members to the 11
- membership of the Board; altering the requirements for the consumer members 12
- 13
- of the Board; altering the appointment process for certain physician members of the Board; requiring the Board to provide a certain notice of a vacancy of certain 14
- 15 members of the Board, to provide a certain process for a licensed physician to
- 16 submit a certain petition, and to forward a list of all licensed physicians
- 17 submitting certain valid petitions to the Governor; authorizing the Governor to
- 18 make certain reappointments to the Board or to make an appointment to the
- 19 Board from lists submitted by certain organizations or from a certain list
- 20 forwarded by the Board; repealing a provision of law requiring the chairman of
- the Board to be appointed by the Governor; providing for the chairman of the 21
- 22 Board to be elected by the members of the Board; requiring fees charged by the
- 23 Board to approximate the costs of maintaining the Board; requiring certain
- interest and other investment income to be paid into the Board of Physician 24
- 25 Quality Assurance Fund (the Fund); requiring the Board to fund the budget of
- the Physician Rehabilitation Committee with fees collected and distributed to 26
- 27 the Fund; authorizing the Board to allocate moneys from the Fund after review
- 28 and approval of a certain budget; repealing provisions of law requiring the
- 29
- Faculty to conduct certain investigations and peer review and to provide certain
- 30 malpractice information to the Board; requiring the Board to enter into a
- written contract with a certain entity to provide certain investigation and peer 31 32 review services under certain circumstances; establishing certain minimum
- 33 qualifications for peer reviewers conducting a peer review; prohibiting a certain
- 34 agreement for corrective action from being used under certain circumstances;
- 35 specifying that the members of the Physician Rehabilitation Committee are

'		HOUSE BILL 191
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21		appointed by the Faculty; requiring the chairman of the Board to appoint a member to serve as a liaison to the Physician Rehabilitation Committee; authorizing the chairman of the Board to appoint a certain subcommittee of the Board to conduct certain hearings in a certain manner; altering certain requirements for licensee profiles created by the Board; requiring the Board to maintain a single website containing certain information; modifying the termination provision for the Maryland Respiratory Care Practitioners Act; altering the manner in which the Comptroller of the State distributes certain fees; defining a certain term; specifying the terms of certain members of the Board; requiring the Board to submit a certain report on investigative caseloads by a certain date; requiring the Board and the Office of the Attorney General to review a certain process, propose a certain joint plan, make certain recommendations, and submit a certain report by a certain date; requiring the Board to submit a certain report on the financial condition of the Board by a certain date; exempting the Board from certain provisions of law requiring a certain preliminary evaluation; requiring the use of an additional reviewer if certain peer reviewers do not reach an agreement; providing for a delayed effective date for certain provisions of this Act and providing that certain provisions of this Act are contingent on the Governor including certain funds in the budget in a certain year; and generally relating to the State Board of Physician Quality Assurance.
	BY	repealing and reenacting, with amendments, Article - Courts and Judicial Proceedings Section 3-2A-04(a) Annotated Code of Maryland (2002 Replacement Volume)
27 28 29 30 31 32	BY	repealing and reenacting, with amendments, Article - Health Occupations Section 14-101, 14-202, 14-203, 14-207, 14-321(e), 14-401, 14-402, 14-405, 14-406, 14-411.1, 14-5A-25, and 14-702 Annotated Code of Maryland (2000 Replacement Volume and 2002 Supplement)
33 34 35 36 37	BY	repealing and reenacting, without amendments, Article - Health Occupations Section 14-404(a)(22) Annotated Code of Maryland (2000 Replacement Volume and 2002 Supplement)
38 39 40 41 42	BY	repealing and reenacting, with amendments, Article - State Government Section 8-403(b)(51) Annotated Code of Maryland (1999 Replacement Volume and 2002 Supplement)

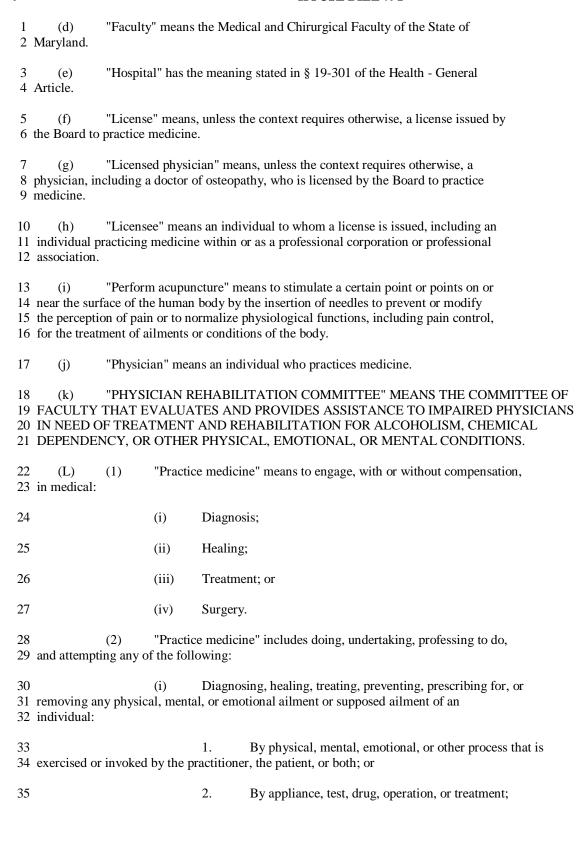
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(b)

3	HOUSE BILL 791
1 2 3 4 5 6	Section 14-207(c) Annotated Code of Maryland (2000 Replacement Volume and 2002 Supplement)
7 8	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
9	Article - Courts and Judicial Proceedings
10) 3-2A-04.
13 14 15 16 17 18 19 20 21 22	due to a medical injury shall file his claim with the Director, and, if the claim is against a physician, the Director shall forward copies of the claim to the State Board of Physician Quality Assurance [and the Medical and Chirurgical Faculty of the State of Maryland]. The Director shall cause a copy of the claim to be served upon the health care provider by the appropriate sheriff in accordance with the Maryland Rules. The health care provider shall file a response with the Director and serve a copy on the claimant and all other health care providers named therein within the time provided in the Maryland Rules for filing a responsive pleading to a complaint. The claim and the response may include a statement that the matter in controversy falls within one or more particular recognized specialties. (2) A third-party claim shall be filed within 30 days of the response of
	3 the third-party claimant to the original claim unless the parties consent to a later filing or a later filing is allowed by the panel chairman for good cause shown.
	A claimant may not add a new defendant after the arbitration panel has been selected, or 10 days after the prehearing conference has been held, whichever is later.
	Until all costs attributable to the first filing have been satisfied, a claimant may not file a second claim on the same or substantially the same grounds against any of the same parties.
31	Article - Health Occupations
32	2 14-101.
33	3 (a) In this title the following words have the meanings indicated.

"Board" means the State Board of Physician Quality Assurance.

35 (c) "Civil action" includes a health care malpractice claim under Title 3, 36 Subtitle 2A of the Courts Article.



23 THE GOVERNOR'S DISCRETION WITH THE ADVICE OF THE SECRETARY;

26 STATE APPOINTED FROM A LIST CONTAINING:

28 UNIVERSITY SCHOOL OF MEDICINE; AND

[(iv)]

30 SCHOOL OF MEDICINE;

32 advice and consent of the Senate; and

1.

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(VI)

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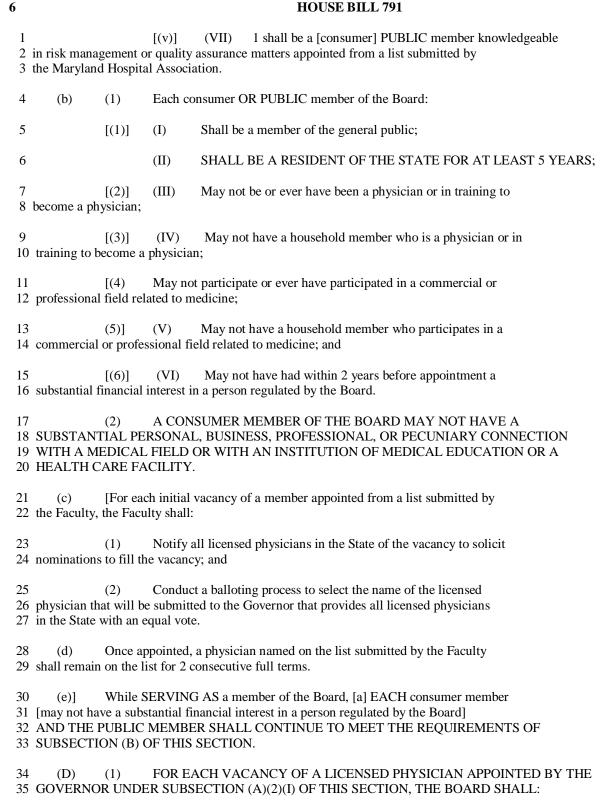
25 TO SERVE AS A REPRESENTATIVE OF AN ACADEMIC MEDICAL INSTITUTION IN THIS

1 SHALL BE A PRACTICING LICENSED PHYSICIAN APPOINTED

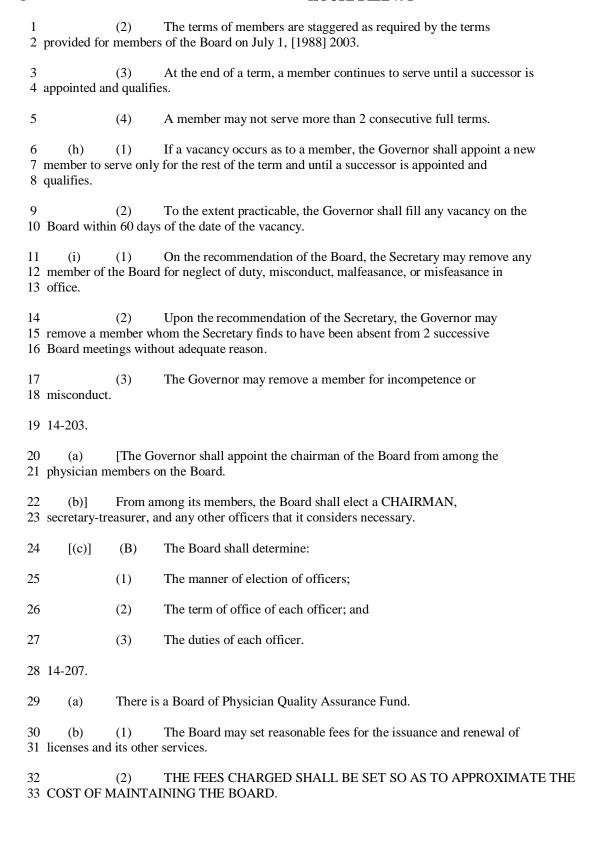
3 NAMES SUBMITTED BY THE JOHNS HOPKINS

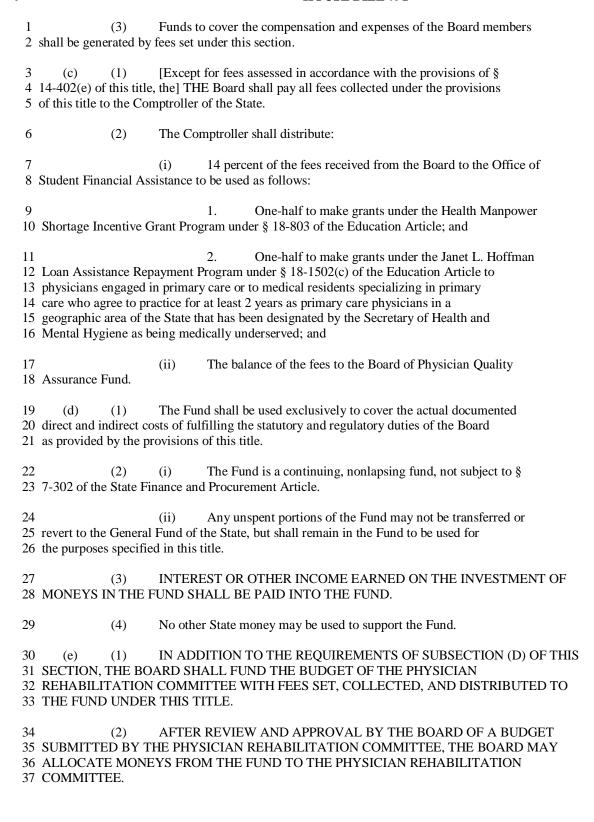
[2] 5 shall be consumer members appointed with the

3 NAMES SUBMITTED BY THE UNIVERSITY OF MARYLAND

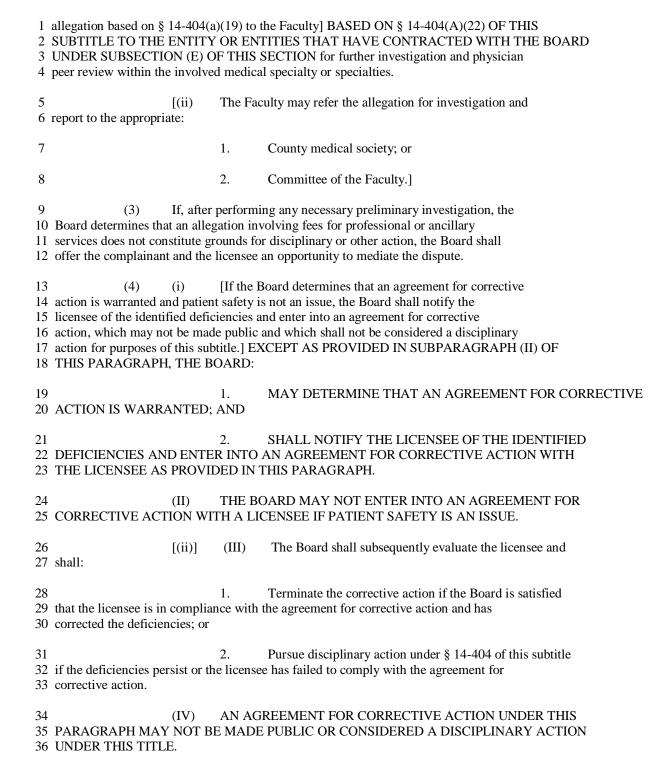


	PROFESSIONAL OF		NOTIFY ALL PRACTICING LICENSED PHYSICIANS AND ATIONS REPRESENTING AT LEAST 25 LICENSED PHYSICIANS CANCY;
4 5	AS PROVIDED UNI	(II) DER SUB	PROVIDE INFORMATION REGARDING THE SELECTION PROCESS SECTION (A)(2)(I) OF THIS SECTION;
6		(III)	SOLICIT NOMINATIONS FOR THE VACANCY; AND
7		(IV)	FORWARD TO THE GOVERNOR:
	ORGANIZATIONS I AND	REPRESI	1. VALID NOMINATIONS SUBMITTED BY PROFESSIONAL ENTING AT LEAST 25 LICENSED PHYSICIANS IN THE STATE;
13			2. VALID PETITIONS SUBMITTED BY PRACTICING LICENSED THE APPOINTMENT OF THE PHYSICIAN TO THE BOARD LEAST 25 PRACTICING LICENSED PHYSICIANS IN THE
15 16	(2) THIS SUBSECTION		DARD SHALL MEET THE REQUIREMENTS OF PARAGRAPH (1) OF N:
17 18	OR	(I)	4 MONTHS PRIOR TO AN UPCOMING VACANCY ON THE BOARD;
19		(II)	2 MONTHS AFTER A VACANCY EXISTS ON THE BOARD.
20 21	` '		CANCY OF A PRACTICING LICENSED PHYSICIAN APPOINTED ER SUBSECTION (A)(2)(I) OF THIS SECTION, THE GOVERNOR:
22	(1)	MAY:	
23 24	2 FULL CONSECU	(I) FIVE TE	REAPPOINT A MEMBER WHO HAS NOT SERVED FOR MORE THAN RMS; OR
			APPOINT A PRACTICING LICENSED PHYSICIAN IN ACCORDANCE (I) OF THIS SECTION FROM LISTS SUBMITTED BY THE BOARD TION (D)(1)(IV) OF THIS SECTION; AND
		A PART	OT REAPPOINT OR APPOINT A PRACTICING LICENSED ICULAR MEDICAL SPECIALITY IF THERE ARE TWO CURRENT HE BOARD FROM THE SAME MEDICAL SPECIALTY.
31 32	(f) Before t required by Article I,		ice, each appointee to the Board shall take the oath e State Constitution.
33 34	(g) (1) of the consumer men		n of a member is 4 years[, except that the initial term of one years].





1 2	(F) (1) The chairman of the Board or the designee of the chairman shall administer the Fund.
3	(2) Moneys in the Fund may be expended only for any lawful purpose authorized by the provisions of this title.
5 6	[(f)] (G) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2-1220 of the State Government Article.
7	14-321.
10 11	(e) (1) Subject to the requirements of the Administrative Procedure Act, the Board on the affirmative vote of its full authorized membership, may reprimand a restricted license holder, may place any restricted license holder on probation, or suspend or revoke a restricted license for any of the grounds for Board action under § 14-404 of this title.
	(2) THE BOARD MAY ONLY DISMISS A CASE AGAINST A RESTRICTED LICENSE HOLDER ON THE AFFIRMATIVE VOTE OF ITS FULL AUTHORIZED MEMBERSHIP.
16	14-401.
	(a) The Board shall perform any necessary preliminary investigation before the Board refers to an investigatory body an allegation of grounds for disciplinary or other action brought to its attention.
22 23 24	(b) If an allegation of grounds for disciplinary or other action is made by a patient or a family member of a patient [in a standard of care case] BASED ON § 14-404(A)(22) OF THIS TITLE and a full investigation results from that allegation, the full investigation shall include an offer of an interview with the patient or a family member of the patient who was present on or about the time that the incident that gave rise to the allegation occurred.
	(c) (1) Except as otherwise provided in this subsection, after performing any necessary preliminary investigation of an allegation of grounds for disciplinary or other action, the Board may:
	(i) Refer the allegation for further investigation to the [Faculty] ENTITY THAT HAS CONTRACTED WITH THE BOARD UNDER SUBSECTION (E) OF THIS SECTION;
32	(ii) Take any appropriate and immediate action as necessary; or
33 34	(iii) Come to an agreement for corrective action with a licensee pursuant to paragraph (4) of this subsection.
	(2) [(i)] After performing any necessary preliminary investigation of an allegation of grounds for disciplinary or other action, the Board shall refer any allegation [involving standards of medical care, as determined by the Board, and any

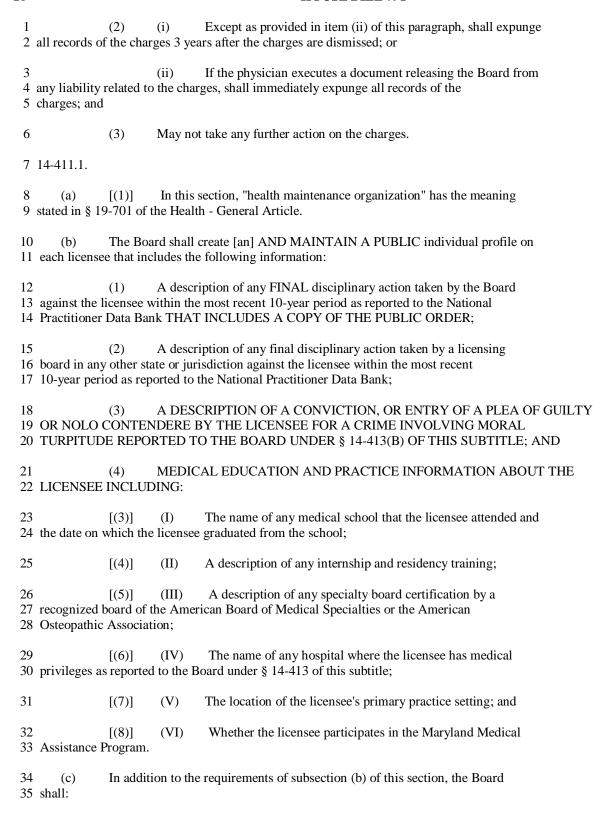


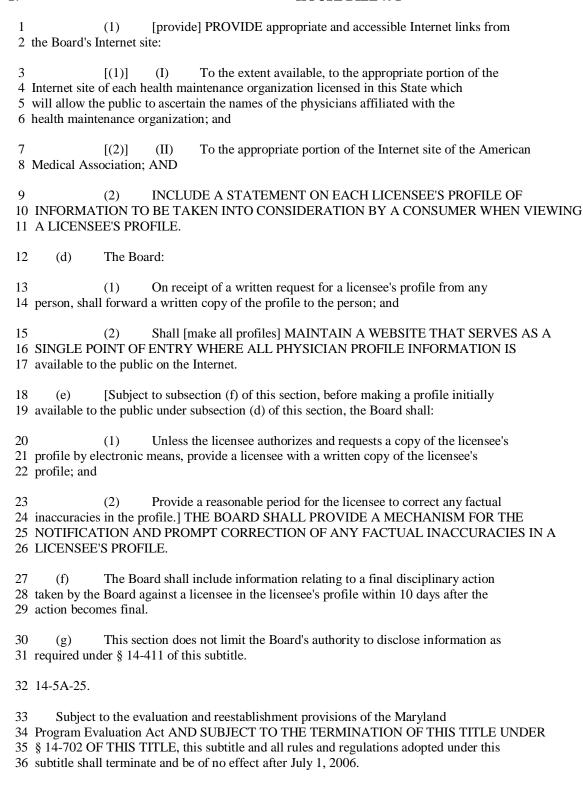
1 2	action agreements in t	[(iii)] (V) he executive	The Board shall provide a summary of the corrective director's report of Board activities.
5		ee, and all co	all committees of the Faculty, except the physician bunty medical societies shall refer to the Board all s of grounds for disciplinary action under § 14-404
9 10 11 12	been filed against an in and Judicial Proceeding name of the individual the Board, shall refer	ndividual lice ags Article wi al licensed phy the claims to ort to the Boar	y determines that 3 or more malpractice claims have ensed physician under § 3-2A-04(a) of the Courts ithin a 5-year period, the Faculty shall submit the ysician to the Board and, subject to the approval of the Faculty's appropriate committee for rd as if the Board had referred the claims to the
	()		less the Board grants an extension, the medical society or he Board on its investigation within 90 days after
17 18			wever, if the investigatory body does not complete its report er the allegation to another investigatory body.
19 20	(2) necessary for appropr		nall contain the information and recommendations y the Board.
	(3) recommendations ma investigation, that it f	de in the repo	f the report, the Board shall consider the ort and take the action, including further ate under this title.]
	OR ENTITIES FOR	FURTHER IN	L ENTER INTO A WRITTEN CONTRACT WITH AN ENTITY NVESTIGATION AND PHYSICIAN PEER REVIEW OF 4-404(A)(22) OF THIS TITLE.
		EQUIRE, AT	NTRACT ENTERED INTO UNDER SUBSECTION (E) OF THIS IT A MINIMUM, THAT THE PEER REVIEWERS IEW:
30 31	(1) LICENSEE UNDER		CTED FROM THE SAME MEDICAL SPECIALTY AS THE
32	(2)	ARE BOAR	D CERTIFIED;
33	(3)	HAVE A SP	ECIFIED AMOUNT OF MEDICAL EXPERIENCE;
34	(4)	HAVE NO F	FORMAL BOARD ACTIONS AGAINST THEIR LICENSE;
35	(5)	RECEIVE P	EER REVIEW TRAINING; AND
36	(6)	HAVE A ST	ANDARD FORMAT FOR PEER REVIEW REPORTS.

2	- 1 / - 1 /	(1) ation of fe	te disputes coming before it, the Board may:
	medical societies for and	(i) the purch	Contract with the Faculty, its committees, and the component ase of investigatory, mediation, and related services;
	mediation, and related committees, and the c		Contract with others for the purchase of investigatory, and make these services available to the Faculty, its t medical societies.
9 10	(2) services of:	Services	that may be contracted for under this subsection include the
11		(i)	Investigators;
12		(ii)	Attorneys;
13		(iii)	Accountants;
14		(iv)	Expert witnesses;
15		(v)	Consultants; and
16		(vi)	Mediators.
17 18	[(g)] (H) with any investigation		ard may issue subpoenas and administer oaths in connection his section and any hearing or proceeding before it.
	[(h)] (I) 14-413(a)(1)(ii)3 and 14-405 of this subtitl	l 4 of this	adividuals not licensed under this title but covered under § subtitle are subject to the hearing provisions of §
24	action filed with the	Board sha	It is the intent of this section that the disposition of every nat sets forth allegations of grounds for disciplinary all be completed as expeditiously as possible and, in any the complaint was received by the Board.
	\ /	ard shall	pard is unable to complete the disposition of a complaint include in the record of that complaint a detailed he delay.
29	14-402.		
32 33 34 35	(a) In reviewing an application for licensure, certification, or registration or in investigating an allegation brought against a licensed physician or any allied health professional regulated by the Board under this title, the [medical society or Faculty] PHYSICIAN REHABILITATION committee may request the Board to direct, or the Board on its own initiative may direct, the licensed physician or any allied health professional regulated by the Board under this title to submit to an appropriate examination.		

	(b) certification, to have:		for the privilege given by the State issuing a license, ration, the licensed, certified, or registered individual is deemed	
4 5	requested by	(1) the Boar	Consented to submit to an examination under this section, if d in writing; and	
6 7	reports.	(2)	Waived any claim of privilege as to the testimony or examination	
10 11	certified, or discipline co	submit to registered ompetent	easonable failure or refusal of the licensed, certified, or registered of an examination is prima facie evidence of the licensed, individual's inability to practice medicine or the respective y, unless the Board finds that the failure or refusal was beyond insed, certified, or registered individual.	
13	(d)	The Boa	rd shall pay the costs of any examination made under this section.	
16	medicine or be set after t	he submi	[(i) The Board shall assess each applicant for a license to practice val of a license to practice medicine a fee of not more than \$50 to ssion of a budget for the physician rehabilitation program and by the Faculty to the Board.	
18 19		l peer rev	(ii) The fee is to be used to fund the physician rehabilitation iew activities of the Faculty, as approved by the Secretary.	
	with the bud		(iii) The Board shall set a fee under this subsection in accordance itted by the Faculty.] THE FACULTY SHALL APPOINT THE PHYSICIAN REHABILITATION COMMITTEE.	
23 24		(2) D TO SE	THE CHAIRMAN OF THE BOARD SHALL APPOINT ONE MEMBER OF THE PHYSICIAN REHABILITATION COMMITTI	
25 26	` /		OARD SHALL FUND THE BUDGET OF THE PHYSICIAN COMMITTEE AS PROVIDED IN § 14-207 OF THIS TITLE.	
29	and transact	ities] PH	(G) The Legislative Auditor shall every 2 years audit the accounts e [Faculty for the physician rehabilitation program and peer YSICIAN REHABILITATION COMMITTEE as provided in § 2-1220 ent Article.	
31	14-404.			
34	the affirmati	ve vote	to the hearing provisions of § 14-405 of this subtitle, the Board, on f a majority of its full authorized membership, may reprimand by licensee on probation, or suspend or revoke a license if the	

- 1 (22) Fails to meet appropriate standards as determined by appropriate
- 2 peer review for the delivery of quality medical and surgical care performed in an
- 3 outpatient surgical facility, office, hospital, or any other location in this State;
- 4 14-405.
- 5 (a) Except as otherwise provided in the Administrative Procedure Act, before
- 6 the Board takes any action under § 14-404(a) of this subtitle or § 14-5A-17(a) of this
- 7 title, it shall give the individual against whom the action is contemplated an
- 8 opportunity for a hearing before a hearing officer OR THE SUBCOMMITTEE OF THE
- 9 BOARD ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.
- 10 (B) THE CHAIRMAN OF THE BOARD MAY DELEGATE THE AUTHORITY TO
- 11 CONDUCT A HEARING TO A SUBCOMMITTEE CONSISTING OF THREE OR MORE BOARD
- 12 MEMBERS.
- 13 [(b)] (C) The hearing officer OR THE SUBCOMMITTEE OF THE BOARD shall
- 14 give notice and hold the hearing in accordance with the Administrative Procedure Act
- 15 [except that factual findings shall be supported by clear and convincing evidence].
- 16 [(c)] (D) The individual may be represented at the hearing by counsel.
- 17 [(d)] (E) If after due notice the individual against whom the action is
- 18 contemplated fails or refuses to appear, nevertheless the hearing officer OR THE
- 19 SUBCOMMITTEE OF THE BOARD may hear and refer the matter to the Board for
- 20 disposition.
- 21 [(e)] (F) After performing any necessary hearing under this section, the
- 22 hearing officer OR THE SUBCOMMITTEE OF THE BOARD shall refer proposed factual
- 23 findings to the Board for the Board's disposition.
- 24 [(f)] (G) The Board may adopt regulations to govern the taking of depositions
- 25 and discovery in the hearing of charges.
- 26 [(g)] (H) The hearing of charges may not be stayed or challenged by any
- 27 procedural defects alleged to have occurred prior to the filing of charges.
- 28 14-406.
- 29 (a) Following the filing of charges, if a majority of the full authorized
- 30 membership of the Board finds that there are grounds for action under § 14-404 of
- 31 this subtitle, the Board shall pass an order in accordance with the Administrative
- 32 Procedure Act.
- 33 (b) After the charges are filed, if the Board finds, ON AN AFFIRMATIVE VOTE
- 34 OF ITS FULL AUTHORIZED MEMBERSHIP, that there are no grounds for action under §
- 35 14-404 of this subtitle, the Board:
- 36 (1) Immediately shall dismiss the charges and exonerate the licensee;





1	14-702.
	Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after July 1, [2003] 2008.
5	Article - State Government
6	8-403.
9	(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:
11 12	(51) Physician Quality Assurance, State Board of (§ 14-201 of the Health Occupations Article: July 1, [2002] 2007);
13 14	SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:
15	Article - Health Occupations
16	14-207.
	(c) (1) [Except for fees assessed in accordance with the provisions of § 14-402(e) of this title, the] THE Board shall pay all fees collected under the provisions of this title to the Comptroller of the State.
20	(2) The Comptroller shall distribute[:
21 22	(i) 14 percent of the fees received from the Board to the Office of Student Financial Assistance to be used as follows:
23 24	1. One-half to make grants under the Health Manpower Shortage Incentive Grant Program under § 18-803 of the Education Article; and
27 28 29	2. One-half to make grants under the Janet L. Hoffman Loan Assistance Repayment Program under § 18-1502(c) of the Education Article to physicians engaged in primary care or to medical residents specializing in primary care who agree to practice for at least 2 years as primary care physicians in a geographic area of the State that has been designated by the Secretary of Health and Mental Hygiene as being medically underserved; and
31 32	(ii) The balance of] the fees to the Board of Physician Quality Assurance Fund.
	SECTION 3. AND BE IT FURTHER ENACTED, That the term of office of the members of the State Board of Physician Quality Assurance who are serving on the Board on the effective date of this Act shall expire as follows:

- 1 (1) Four physician members and one consumer member in 2003;
- 2 (2) Four physician members and one consumer member in 2004; and
- 3 (3) Three physician members, the representative of the Department, and one 4 consumer member in 2005.
- 5 SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the
- 6 additional six members appointed to the State Board of Physician Quality Assurance
- 7 shall expire as follows:
- 8 (1) one consumer member and one physician member in 2004; and
- 9 (2) two consumer members and two physician members in 2006.
- 10 SECTION 5. AND BE IT FURTHER ENACTED, That the terms of the
- 11 members of the State Board of Physician Quality Assurance appointed to replace
- 12 those members whose terms expire:
- 13 (1) in 2003, shall expire in 2007;
- 14 (2) in 2004, shall expire in 2008; and
- 15 (3) in 2005, shall expire in 2009.
- 16 SECTION 6. AND BE IT FURTHER ENACTED, That the State Board of
- 17 Physician Quality Assurance shall report to the Governor, the Senate Education,
- 18 Health, and Environmental Affairs Committee, the Senate Budget and Taxation
- 19 Committee, the House Health and Government Operations Committee, and the
- 20 House Appropriations Committee on or before November 1, 2003, in accordance with
- 21 § 2-1246 of the State Government Article, on the financial condition of the Board,
- 22 including a review of the impact of any legislation enacted in 2003 and a review of the
- 23 impact of any procedural, regulatory, or other changes implemented by the Board. If
- 24 the Board determines that legislation enacted in 2003 will not resolve the financial
- 25 condition of the Board, the report shall detail how the Board intends to:
- 26 (1) stabilize long-term finances of the Board;
- 27 (2) achieve necessary fund balances; and
- 28 (3) fully meet the responsibilities and mission of the Board.
- 29 SECTION 7. AND BE IT FURTHER ENACTED, That the State Board of
- 30 Physician Quality Assurance shall report to the Governor, the Senate Education,
- 31 Health, and Environmental Affairs Committee, and the House Health and
- 32 Government Operations Committee on or before January 1, 2004, in accordance with
- 33 § 2-1246 of the State Government Article, on investigative caseloads of Board
- 34 investigators including:
- 35 (1) the optimal level of caseloads;

- 1 (2) additional tools required to improve investigator productivity;
- 2 (3) a fiscal estimate of the resources required to meet optimal caseload levels 3 and provide necessary tools to improve productivity; and
- 4 (4) a detailed plan to address the expenditures identified in the fiscal 5 estimate.
- 6 SECTION 8. AND BE IT FURTHER ENACTED, That, on or before January 1,
- 7 2003, the State Board of Physician Quality Assurance and the Office of the Attorney
- 8 General (OAG) shall:
- 9 (1) review all aspects of the Board investigative processes;
- 10 (2) recommend a revised investigative process that will ensure in a consistent
- 11 manner that all cases transmitted to the OAG are fully investigated and developed to
- 12 the satisfaction of both the Board and the OAG so that cases can proceed with the
- 13 minimum of additional delay after transmittal; and
- 14 (3) in accordance with § 2-1246 of the State Government Article, report to the
- 15 Governor, the Senate Education, Health, and Environmental Affairs Committee, and
- 16 the House Health and Government Operations Committee on the findings,
- 17 recommendations, and any legislative or regulatory changes necessary to implement
- 18 the recommended changes.
- 19 SECTION 9. AND BE IT FURTHER ENACTED, That the entity or entities
- 20 with which the State Board of Physician Quality Assurance contracts under §
- 21 14-401(e) of the Health Occupations Article, as enacted by Section 1 of this Act, for
- 22 further investigation and peer review of allegations based on § 14-404(a)(22) of the
- 23 Health Occupations Article shall, in the event of a lack of agreement between the two
- 24 reviewers, use a third reviewer to reach a final peer review decision.
- 25 SECTION 10. AND BE IT FURTHER ENACTED, That Section 2 of this Act
- 26 shall take effect July 1, 2004 contingent on the Governor including in the budget for
- 27 fiscal year 2005 at least \$750,000 for the operation of the Health Manpower Shortage
- 28 Incentive Grant Program and the Janet L. Hoffman Loan Assistance Repayment
- 29 Program Primary Care Services administered by the Maryland Higher Education
- 30 Commission.
- 31 SECTION 11. AND BE IT FURTHER ENACTED, That the provisions of §
- 32 8-404 of the State Government Article requiring a preliminary evaluation do not
- 33 apply to the State Board of Physician Quality Assurance prior to the evaluation
- 34 required on or before July 1, 2007.
- 35 SECTION 12. AND BE IT FURTHER ENACTED, That, except as provided in
- 36 Section 10 of this Act, this Act shall take effect July 1, 2003.